

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE MINNESOTA PUBLIC UTILITIES COMMISSION

In the Matter of the Petition of AT&T
Communications of the Midwest, Inc., for
Arbitration of an Interconnection Agreement with
Qwest Corporation Pursuant to 47 U.S.C. §
252(b).

**FOURTH
PREHEARING ORDER**

This matter came before Administrative Law Judges Steve M. Mihalchick and Kathleen D. Sheehy by telephone conference on July 10, 2003, to consider AT&T's Motion to Modify the Prehearing Order or in the Alternative Notice of Objection to Prefiled Testimony.

Jason Topp and Mary Rose Hughes appeared for Qwest.

Steven Weigler and Letty Friesen appeared for AT&T.

Priti Patel appeared for the Department.

Jeanne Cochran appeared for RUD-OAG.

Leslie Lehr appeared for MCI.

Kevin O'Grady appeared for Commission staff.

AT&T'S MOTION TO MODIFY THE HEARING SCHEDULE

On July 8, 2003, AT&T filed a motion to modify the schedule established in the prehearing order of June 19, 2003, to continue the evidentiary hearing on issues concerning LATA-wide reciprocal compensation (portions of Issue No. 4 and Issue Nos. 6-7, 13, and 15) to the week of July 28. AT&T would agree to waive the deadline found in 47 U.S.C. § 252(b) for these issues only, to permit a separate briefing schedule and decision deadline. All other issues would proceed under the current schedule. In support of its motion, AT&T argued that it will not receive testimony from the OAG witness until July 14 and will have insufficient time to prepare for cross-examination or rebuttal. It also contends that the elimination of a number of issues and the parties' decision to submit some issues solely on the prefiled testimony will further limit the time it has available to prepare.

In the alternative, AT&T gave notice that it would object to the admission of any testimony of the OAG and would move to strike such testimony.

AT&T's motion to modify the prehearing order is **DENIED**. AT&T was aware of the scheduling difficulties of the OAG witness before the prehearing conference held on June 12, 2003, and it raised no objection to receipt of that testimony on July 14 as proposed by the OAG. AT&T has known since the prehearing conference that the OAG testimony would concern only the access and local calling area issues. AT&T's inclusion of these issues in its petition for arbitration has caused all parties to conduct discovery and formulate testimony under the severe time constraints of 47 U.S.C. § 252(b). Furthermore, AT&T strenuously objected to the Department's motion made to the Commission to sever these issues in order to examine them in a proceeding that would allow for more time and more participation by other interested persons.

So that the other parties will have time to prepare, the OAG consistently has offered to make its witness available for cross-examination toward the end of the hearing, and in its response to this motion has stated that the witness would be available on Friday, July 18. This schedule provides adequate time for AT&T to prepare its cross-examination and rebuttal and does not deny AT&T due process of law.

CHANGES TO SERVICE LIST

Thomas Burns, on behalf of the CLEC Coalition, has asked to be included as an observer to this proceeding, and his request is granted. The Time Warner representatives are also now listed as observers. In addition, Ken Schiffman is appearing as an observer for Sprint in place of Don Low. A revised service list is attached.

Dated: July 11, 2003

s/Steve M. Mihalchick
STEVE M. MIHALCHICK
KATHLEEN D. SHEEHY
Administrative Law Judges